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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
XETHANOL CORPORATION,	:	
	:	
Plaintiff,	:	
	:	07 Civ. 11161 (AKH)
-against-	:	
	:	
DEUTSCHE BANK SECURITIES INC.,	:	
	:	
Defendant.	:	
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**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law, defendant Deutsche Bank Securities Inc. ("Deutsche Bank") will move this Court before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York, on February 15, 2008, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order dismissing this action as against defendant Deutsche Bank pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other relief as the Court deems just and proper.

Dated: New York, New York  
January 25, 2008

Respectfully submitted,

Duval & Stachenfeld LLP

By:



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